

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.43624 of 2014

Arising Out of PS.Case No. -517 Year- 2008 Thana -JEHANABAD COMPLAINT CASE District-
JEHANABAD

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Sanjay Kumar S/o Late Kedarnath Singh Resident of Block Vetanary Office,
Makhdumpur Block Campus, Makhdumpur, District-Jehanabad.

.... Petitioner/s

Versus

1. The State of Bihar
2. Chitranjan Kumar, Assistant Teacher S/o Ranvijay Kumar @ Vijay Singh
Village -Bhaikha, P.S.-Makhdumpur, District-Jehanabad.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vinod Kumar, Advocate.

For the Opposite Party/s: Mr. Lallan Kumar,

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR

ORAL JUDGMENT

Date: 09-03-2018

Heard learned counsel for the petitioner as well as
learned counsel for the State.

2. Petitioner seeks quashing of the cognizance order dated 20.10.2008 passed by the Chief Judicial Magistrate, Jehanabad in Complaint Case No. 517 of 2008, thereby taking cognizance of offence under Sections 353, 423, 447 and 504/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that it's a malicious prosecution filed by the complainant, Incharge Principal of Gandhi High School Prabhat Nagar, Makhdumpur, District-Jehanabad, in fact, petitioner, a Doctor in the Animal Husbandry Department of the Government of Bihar was following direction



given by the Block Development Officer for distribution of blue ration card to the beneficiaries belonging to BPL community and it was to be distributed in the school of the complainant, which is mentioned in Annexure-4, the order of the Block Development Officer, when he went there for distribution of blue ration card to the beneficiaries, the complainant not only protested rather obstructed the distribution process, for which a police case was instituted against him by the Block Development Officer vide Makhdumpur P.S.Case No. 149 of 2008 dated 27.06.2008, and this complaint was filed on 04.07.2008 levelling false allegation of assaulting the complainant. However, submission is that quashing of order dated 20.10.2008 was also set aside by the revisional court against co-accused, Ujjawal Kumar Singh, the Block Development Officer.

4. Having considered the rival submissions of both sides, the Court finds that the present prosecution is malicious one, as a police case was instituted against the present complainant by the Block Development Officer, as he was obstructing in distribution of blue ration card to the beneficiaries of BPL category. Petitioner is a Government employee, a Block Veterinary Officer, and was directed by the Block Development Officer for distribution of ration card to its allottees and it was to be distributed from the premises of the school of the complainant. So the present complaint being held malicious.



The entire criminal proceeding including of the cognizance order dated 20.10.2008 against the petitioner, pending in the court of the Chief Judicial Magistrate, Jehanabad, is quashed.

5. Application stands allowed.

(Arun Kumar, J)

Sujit/-

AFR/NAFR	NAFR
CAV DATE	NA
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